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Republican Riders CIA Oversight

By George Lardner Jr.
and Charles R. Babcock
Washington Post Staff Writers

The House Intelligence Committee has run into a partisan dispute over legislation aimed at strengthening congressional oversight of the CIA and other intelligence agencies.

Republican members served notice at a closed-door meeting last week that they want to add riders that would satisfy CIA demands for less public scrutiny and would provide criminal penalties for some unauthorized disclosures.

The move could derail any intelligence legislation until after the elections, according to several sources.

At the same time, several Senate Republicans allied with GOP presidential candidate Ronald Reagan are preparing their own version of a comprehensive charter for the intelligence community.

It would split the CIA in two, setting up one agency to carry out espionage and covert operations abroad and the other to provide intelligence analysis.

The senators have already drafted a separate charter to govern the FBI's criminal investigations that would impose scarcely any of the restrictions proposed in an FBI charter bill endorsed by the Carter administration and by the FBI itself. The administration bill is languishing in the Senate Judiciary Committee.

GOP Senators Malcolm Wallop and Alan Simpson, both of Wyoming, said in telephone interviews that they do not expect either of their charter bills to pass this year.

They said the proposals weren't conceived as a preview of a Reagan administration stance on the intelligence community or the FBI. But other sources familiar with the drafting said the bills clearly reflected the thinking of key Reagan advisers, including Sen. Paul Laxalt (R-Nev.), his national campaign chairman, and Richard Allen, one of his leading national security advisers.

Republican platform drafters have reviewed the bills, sources said.

A limited intelligence-oversight measure sailed through the Senate this month by 89 to 1, largely on the strength of a bipartisan agreement in that chamber to keep it free of any controversial riders.

The Democratic majority of the House Intelligence Committee then agreed in caucus on a somewhat

stronger oversight bill. It would give the executive branch less leeway to withhold information from Congress. It would also require disclosure to the House and Senate Intelligence Committees of any allegedly improper activities that come to high-level attention within the executive branch. The Senate bill would require the disclosure only of confirmed violations of law or of intelligence agency rules.

House committee Chairman Edward Boland (D-Mass.) had been planning to introduce the Democratic proposal last week, but GOP members voiced their objections at a closed session Wednesday afternoon.

According to several sources, the Republicans said they want to expand the bill to include criminal penalties for unauthorized disclosure of the names of CIA operatives abroad and of FBI counterintelligence agents in this country.

Some GOP members also want to exempt the intelligence agencies from most of the provisions of the Freedom of Information Act.

Anxious to report out a bill with bipartisan backing, Boland ordered staff-level meetings to seek a compromise. "The resolve the Democrats had [for the Boland bill] vanished," a source said.

The Democrats offered to dilute the oversight provisions with language emphasizing the need of the executive branch to protect "classified information and information relating to intelligence sources and methods" from unauthorized disclosure. Those provisions were already in the Senate bill.

The House Republicans were also promised markup sessions on separate legislation making it a crime to disclose names of agents. The Senate Intelligence Committee will start its own hearings Tuesday on the same issue.

So far, however, the GOP contingent on the House committee has refused the offer, feeling that the oversight bill is the only intelligence legislation with a chance of enactment this year.

The Democrats, in turn, are afraid that the addition of any riders by the committee will simply open the floodgate to a rush of other amendments on the floor.

"We can't put the names of agents on there and get a bill through this year," maintained Rep. Les Aspin (D-Wis.). "Other people will want to add on protections for the rights of Americans and things like that."

The House committee is scheduled to resume the debate Tuesday afternoon.

In the Senate, meanwhile, the GOP senators have been circulating copies of their separate intelligence and FBI charters seeking cosponsors. Sources familiar with the drafting said the two proposals were designed as "statements of principle" growing out of a Republican National Committee policy statement last August.

Simpson said he became concerned about the limitations in the FBI charter when he attended hearings on the proposal. "We have to address the concerns of the civil libertarians and all that, but I was frustrated by what I was hearing," he said.

The GOP's FBI charter junks the administration's proposed requirement that the bureau have a reasonable suspicion of criminal activity before starting an investigation. "We don't want the FBI to be restricted more than other law enforcement agencies," said an aide who worked on the draft. "You have to have some faith the FBI won't violate rights as it sometimes did in the old days."

Jerry Berman, lobbyist for the American Civil Liberties Union, not surprisingly disagreed. He called the Republican proposal an effort to "return to the Hoover era."

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